

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10156-RWZ

PHILLIP KING

Plaintiff

v.

CITY OF BOSTON

Defendant

FILED
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2004 JUN 16 P 12:58
U.S. DISTRICT COURT
DISTRICT OF MASS.

PLAINTIFF'S ANSWER PER SCHEDULING CONFERENCE

In accordance with Fed. R. Civ. P. 16(b) and Local Rule 16.1, the plaintiff answers within a prescribed time pursuant to Fed. R. Civ. P. 26(f) and notices the defendant as follows:

R. 16.1 (B) Agenda.

(1) discussion limited to plaintiff's status as a Registered Voter, as well as compliance with statute, M.G.L.A. c. 51, Section 1;

(2) a limited and brief discovery phase in keeping with a limited discussion of matters relevant;

(3) plaintiff consents to trial by magistrate judge.

R. 16.1 (C) Settlement Proposals.

(1) settlement offer due June 17, 2004, which will be duly submitted at that time.

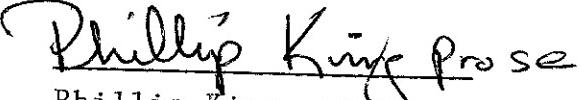
R. 16.1 (D) Joint Statement.

(1-3) plaintiff cannot comply with these requisites due to his incarceration and refers the court to defendant's

formal request on March 18, 2004, for an enlargement of time to respond to plaintiff's summary judgement motion. In this letter, the defendant stated that the plaintiff was incarcerated "... and thus could not be conferred with as to a **potential Stipulation**" (emphasis added). In all due respect to the defendant, the plaintiff is without means or approval by prison authorities to effect such conference. Moreover, defendant's request was factitious, if not feckless, to hint at a potential stipulation when one has never materialized in this matter. See Exhibit A.

Plaintiff's attendance at the Scheduling Conference on June 29, 2004, at 2:30 p.m., courtroom 12, 5th floor is subject to the court's discretion. For reasons of judicial economy in this instance, the plaintiff requests that he be excused from appearing where he has responded to those matters affecting a proposed trial and where the issues are sufficiently narrow and limited. The plaintiff will rely upon and adhere to the agenda determined by this court.

Respectfully submitted,


Phillip King, pro se

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June 14, 2004